IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.531 OF 2006

IN

SUMMARY SUIT NO.2211 OF 2006

Sameer H. Tapia ...Plaintiff

v/s

M/s MCI Securities P.Ltd. and ors. ...Defendants

Mr Birendra Saraf i/b M/s ALMT Legal for Plaintiff.

Mr Behram Shroff i/b M/s Tejpal and Co. for Defendant Nos.1, 2 and 4.

CORAM : D.K. DESHMUKH J.

DATE : 16TH JANUARY 2007.

P.C. :-

1. At the outset, the learned counsel appearing for plaintiff sought leave of the Court to delete the names of defendant Nos.2 to 4 from the suit with liberty to adopt appropriate proceedings. Leave is granted with the liberty sought. So far as the defendant No.1 is concerned, according to the plaintiff, loan was advanced to the defendant No.1 - Company. Towards repayment of the loan, cheque was given on 20th April 2005. When that cheque was presented to the Bank, it was dishonoured. The plaintiff's suit is based on the dishonoured cheque, copy of which is produced at Exh.'A' to the plaint. The defendant No.1 is served with the summons for judgment within the period specified under C.P.C. Even today, no application for leave to defend the suit is filed. in the absence of any application for leave to defend, in view of the provisions of Order XXXVII of C.P.C., the plaintiff is entitled to a judgment. Heard learned counsel for the plaintiff. Perused the record. Summons for judgment is granted, suit of the plaintiff is decreed in terms of prayer clauses (a) and (b). Refund of court fees as per rules. The decree is passed only against defendant No.1 - Company.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.